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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,653	10/18/2001	David K. Howington	MIS-P-104	7566
32566 7590 06/30/2009 PATENT LAW GROUP LLP 2635 NORTH FIRST STREET SUITE 223 SAN JOSE, CA 95134			EXAMINER LASTRA, DANIEL	
			ART UNIT 3688	PAPER NUMBER
			MAIL DATE 06/30/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* DAVID K. HOWINGTON

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Application 09/981,653  
Technology Center 3600

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Mailed: June 30, 2009

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Before ERIC W. HAWTHORNE, *Supervisory Paralegal Specialist*  
HAWTHORNE, *Supervisory Paralegal Specialist*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on September 30, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

EXAMINER'S ANSWER: GROUNDS OF REJECTION

The Examiner's Answer mailed on July 25, 2008, under the heading "Grounds of Rejection" the grounds of rejection are listed as follows:

Claims 7, 9-23, and 26-29 are rejected under 35 U.S.C. § 103 as being unpatentable over Applicant's Background of the Invention in view of Blad (us 2001/0048374) and further in view of Moore (US 7,084,747);

Claims 24, 25, 30, and 31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicant's Background of the Invention in view of Blad (US 2001/0048374) and further in view of Moore (US 7,084,737) and the article International Game Technology (Dialogue File 545; Ref # 00850047).

The Examiner's Answer fails to include the rejection of claim 7 under 35 U.S.C. § 112, second paragraph, as provided in the Final Rejection dated December 1, 2006. Appropriate correction is required.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner:

1) to generate a PTOL-90 clarifying the status of Claim 7 under §112;

OR

2) vacate the Examiner's Answer mailed July 25, 2008, and generate a new Examiner's Answer setting forth the correct Grounds of rejection to be reviewed on appeal and to correct other sections of the Answer as may be required;

3) to include the approval of the TC Director or his/her designee (as required for any new grounds of rejection); and

4) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

EWB/pgc

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